COURT NO.6

HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 637 OF 2003 (M/S)

CIVIL SIDE

Sohan Singh ……. PETITIONER

Versus

District Magistrate, Udham Singh Nagar, & others ……. RESPONDENTS

Hon'ble Rajesh Tandon, J.

Heard Sri S.K. Mandal for the petitioner and Sri S.S. Adhikar, Standing counsel for the respondents.

This writ petition has been filed by the petitioner challenging recovery by which a sum of Rs.92,600/- has been demanded. According to the petition he is a small farmer and has taken loan Rs.45,000/- for flower garden and Rs. 19,500/- for irrigation (boring). It has been stated in paragraph 8 of the petition that on 20.5.2003 Amin came to his house and served a notice for demand of Rs.92,600/-. Petitioner has also appeared before the Tehsildar and made a oral representation but of no avail.

According to the petitioner no account has been furnished by the Bank so as to enable him to come to the conclusion that the citation made by the Tehsildar is correct. Further according to him calculation of interest is wholly incorrect and no compound interest can be charged.

In the case of *Central Bank of India vs. Ravindra and others, AIR 2001 SC 3095* the Apex Court has observed:

"Statement of accounts supplied by banks to borrowers many a times do not contain particulars or details of debit entries and when written in hand are worse than medical prescriptions putting to test the eyes and wits of the borrowers. Instances of unscrupulous, unfair and unhealthy dealing can be multiplied though they cannot be generalized."

Therefore, I am of the opinion that the Bank authorities will furnish the account to the petitioner on production of certified copy of this order.

So far as payment of amount is concerned the petitioner is not challenging the recovery proceedings. However, the said plea is also not available. The petitioner has prayed that the being small farmer if the amount is realized by him through easy instalments it will serve the purpose of the Bank and will also give relief to the petitioner who is a small farmer. In my opinion in the interest of justice if the petitioner pays the amount is eight equal quarterly instalments, the interest of the Bank shall be fully protected.

The entire outstanding loan amount, therefore, shall be recovered in eight quarterly instalments. The first instalment will be paid in one month i.e. by 18.8.2003 thereafter remaining seven instalments will be paid after each three months. The amount of interest will be paid in the last instalment along with recovery charges. In case of default of any instalments, the liberty given to the petitioner to pay the loan amount in instalments shall no more be available.

The writ petition is disposed of with the above observations.

18.07.2003
Dhyani

(Rajesh Tandon, J.)